

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JAMES E. DAVIS, INDIVIDUALLY AND  
FRANCOIS KOHLMAN, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED

PLAINTIFF

VS.

CAUSE NO. 3:11-CV-093-MPM-SAA

ACA FINANCIAL GUARANTY  
CORPORATION, and  
JOHN DOES One through Ten

DEFENDANTS

**AMENDED JOINT MOTION FOR EXTENSION OF TIME  
TO COMPLETE BRIEFING ON THE PENDING MOTION TO DISMISS**

Pursuant to the Federal Rules of Civil Procedure, Defendant ACA Financial Guaranty Corporation (“ACA”) and Plaintiffs jointly move this Court for an extension of time to complete the briefing on ACA’s pending motion to dismiss. In support, the parties show as follow:

1. On January 26, 2012, ACA filed a Motion to Dismiss Plaintiffs’ Amended Complaint.
2. The time for Plaintiffs’ to respond to that motion to dismiss has not yet passed.
3. The parties both have trials and other obligations in February, which would make completion of the briefing within the current deadlines difficult. Accordingly, the parties agree to an additional extension of the current briefing deadlines related to the Motion to Dismiss.
4. Accordingly, the parties respectfully request that the Court enter an Order granting an extension of time until and through March 2, 2012, for Plaintiffs to respond to ACA’s Motion to Dismiss and an extension of time until and through March 21, 2012 for ACA to file its rebuttal brief in support of its Motion to Dismiss.
5. This Motion is sought in the interest of justice and not for purposes of delay.

WHEREFORE, the parties jointly request that the Court extend the briefing schedule be extended through and until March 2, 2012 for Plaintiffs' response and through and until March 21, 2012 for ACA's rebuttal brief.

RESPECTFULLY SUBMITTED, this 24<sup>th</sup> day of February, 2012.

/s/ Mason E. Lowe  
W. Wayne Drinkwater (MBN 6193)  
Mason E. Lowe (MBN 102393)  
BRADLEY ARANT BOULT CUMMINGS LLP  
Suite 400, One Jackson Place  
188 East Capitol Street  
Post Office Box 1789  
Jackson, MS 39215-1789  
Telephone: (601) 948-8000  
Facsimile: (601) 948-3000

**ATTORNEYS FOR DEFENDANT**

/s/ Jesse Mitchell, III  
Jesse Mitchell (MBN 102020)  
O. Stephen Montagnet (MBN 10049)  
William M. Quinn (MBN 10834)  
McCraney Montagnet & Quinn, PLLC  
602 Steed Road, Suite 200  
Ridgeland, MS 39157  
Telephone: (601) 707-5725  
Facsimile: (601) 510-2939  
**ATTORNEYS FOR Plaintiffs**

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Jesse Mitchell, III